

# Sumter City-County Zoning Board of Appeals

September 8, 2010

## BOA-10-25, 80 Delta Lane (County)

### I. THE REQUEST

**Applicant:** Shirley Lewis

**Status of the Applicant:** Property owner

**Request:** The applicant is requesting a variance of 15 feet from the required 35 foot front setback and 11 feet from the required 50 foot rear setback as required per section 3.n.5.b Development Standards of the AC district, to place a mobile home on the parcel.

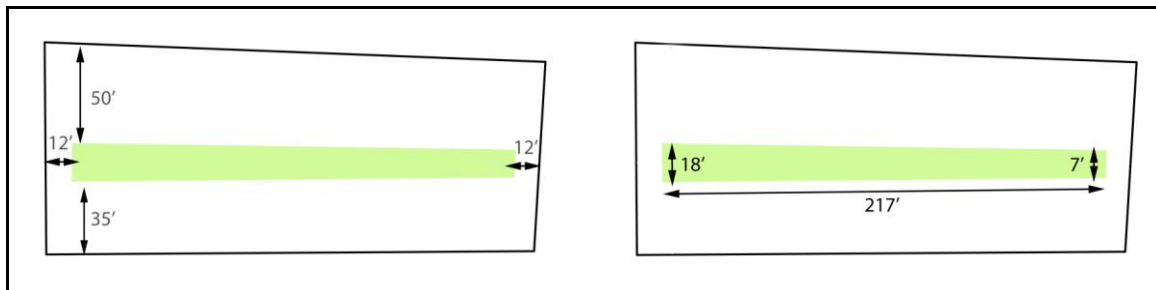
**Location:** 80 Delta Lane

**Present Use/Zoning:** Vacant / AC

**Tax Map Reference:** 168-12-01-007

### II. BACKGROUND

The applicant wishes to place a mobile home that is +/- 70' x 30' in size on the property. The parcel at this time has the following dimensions and buildable area:



*Above left:* The setbacks required in the AC zoning district are 50' in rear, 12' on sides and 35' in front. This creates a buildable area on this parcel that is only 7' wide at one end (above right).

The applicant is asking for a variance of 15 feet from the required thirty-five foot front setback, and eleven feet from the required fifty foot rear setback on this parcel. This is to allow for the mobile home to be placed anywhere in the central buildable area on the parcel, and to accommodate the existing septic system.



*Above left: The property is at the end of a quiet street in Pinewood.*

*Above right: A view of the property, which is surrounded by woods on two sides.*

### **III. FOUR PART TEST**

- 1) ***There are extraordinary and exceptional conditions pertaining to the particular piece of property.***

This parcel is oddly shaped and appears to have been cut from a larger parcel in the past, which created a lot with a very small buildable area. The width of this parcel from the street changes substantially from 102 feet wide to 87.9 feet creating a shallow lot and making it difficult to meet front & rear setbacks.

- 2) ***These conditions do not generally apply to other property in the vicinity.***

Other parcels on this street appear to be of dimensions that would allow placement of homes while meeting setback requirements for the AC district.

- 3) ***Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.***

The conditions imposed on this property would effectively prohibit or restrict the use of the property, because the property owners would not be able to place a mobile home on this parcel without the variance.

- 4) *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.*

The authorization of this variance will not pose a substantial detriment to the adjacent property or to the public good. Allowing a mobile home to be placed on this parcel will not harm the character of the district. There are other mobile homes along this street.

#### **IV. STAFF RECOMMENDATION**

Staff recommends approval based on the fact that the proposal meets the requirements of the Four-Part Test.

#### **V. DRAFT MOTIONS FOR BOA-10-18**

- A. I move that the Zoning Board of Appeals approve BOA-10-25, subject to the findings of fact and conclusions contained in the draft order, dated September 8, 2010 attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals deny BOA-10-25, subject to the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-25.

#### **VI. ZONING BOARD OF APPEALS – September 8, 2010**

The Sumter City-County Board of Appeals at its meeting on Wednesday, August 11, 2010, voted to approve this request subject to the findings of fact and conclusions on exhibit 1.

# **Exhibit 1**

## **Order on Variance Application**

### **Board of Zoning Appeals**

**BOA-10-25, Shirley Lewis – 80 Delta Lane (County)**  
**September 8, 2010**

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Date Filed: August 6, 2010

Permit Case No. BOA-10-25

The Board of Zoning Appeals held a public hearing on Wednesday, September 8, 2010 to consider the appeal of Shirley Lewis of 80 Delta Lane for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

The parcel is oddly shaped and appears to have been cut from a larger parcel in the past, which created a lot with a very small buildable area. The width of this parcel from the street changes substantially from 102 feet wide to 87.9 feet creating a shallow lot and making it difficult to meet front & rear setbacks.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

Other parcels on this street appear to be of dimensions that would allow placement of homes while meeting setback requirements for the AC district.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact:

The conditions imposed on this property would effectively prohibit or restrict the use of the property, because the property owners would not be able to place a mobile home on this parcel without the variance.

4. The Board concludes that authorization of the variance ☐ **will** - ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character

of the district ☐ **will** - ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

The authorization of this variance will not pose a substantial detriment to the adjacent property or to the public good. Allowing a mobile home to be placed on this parcel will not harm the character of the district. There are other mobile homes along this street.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** –  
☒ **GRANTED.**

Approved by the Board by majority vote.

Date issued:\_\_\_\_\_

\_\_\_\_\_  
Chairman

Date mailed to parties in interest:\_\_\_\_\_

\_\_\_\_\_  
Secretary

**Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.**